

REMARKS

The issues outstanding in the office action mailed June 19, 2006, are the rejections under 35 U.S.C. §102 and the doctrine of obviousness-type double patenting. Reconsideration of these issues is respectfully requested, in view of the following discussion.

Rejections Under 35 U.S.C. §102

Claims 1-14 have been rejected under 35 U.S.C. §102 (e) over Schmidt '993, commonly assigned with the present application. Reconsideration of this rejection is respectfully requested.

Schmidt discloses fluorescent pigments having

- (A) a high refractive coating consisting of TiO_2 and having a thickness of 5-200nm,
- (B) a colorless coating having a refractive index $n \leq 1.8$ and a thickness of 5-200 nm,
- (C) a high refractive coating consisting of TiO_2 and having a thickness of 5-200 nm, and optionally
- (D) an outer, protective layer.

The patent teaches that useful base substrates for the multilayer pigments according to the invention are selectively or nonselectively absorbing platelet-shaped substrates. Preferred are natural and/or synthetic mica, talc, kaolin, platelet-shaped iron or aluminum oxides, glass platelets, SiO_2 platelets, Al_2O_3 platelets, TiO_2 platelets, graphite platelets, synthetic support-free platelets, titanium nitride, titanium silicide, liquid crystal polymers (LCPs), holographic pigments, BiOCl , platelet-shaped mixed oxides, for example FeTiO_3 , Fe_2TiO_5 , or other comparable materials, see column 2, lines 12 through 22 *all* of the examples employ mica. Thus, the patent does not teach that the specifically claimed substrates herein, having a defined geometry and a small standard deviation result in pigments having a color

travel. Thus, the patent fails to anticipate the present claims, and withdrawal of the rejection is respectfully requested.

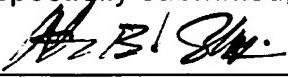
Double patenting

Claims 1-14 have been rejected under the doctrine of obviousness-type double patenting over claims 1-23 of Schmidt '993. It is respectfully submitted that one of ordinary skill in the art is not taught in the patent to select the particular substrates, with the standard deviation and properties of the present claims, and moreover would not expect that such pigments would exhibit a color travel. Accordingly, it is submitted that the claims of the patent do not suggest the present claims, i.e., do not render them obvious. Since obviousness is the cornerstone of an obviousness-type double patenting rejection, it is submitted that the rejection should be withdrawn.

The claims in the application are submitted to be in condition for allowance. However, if the examiner has any questions or comments, he is cordially invited to telephone the undersigned at the number below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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